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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Donald B. McDugle

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04/01/2008

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EXAMINER

SWINEHART, EDWIN L

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Non-Compliant Appeal Brief

This is in response to the Letter of 3/12/08 stating that the Appeal Brief of 12/5/07 should be considered compliant. However, the Appeal Brief of 12/5/07 is still defective for the reasons set forth in the Notice of Non-Compliant Appeal Brief of 11/5/07. In the Notice, the Appellant was informed that the brief does not contain a concise explanation of the subject matter defined in each of the independent claims (See box 4 of Notice). Specifically, the explanation, starting on page 2, of the Appeal Brief of 12/5/07 does not "refer to the specification by page and line number" as required by 37 C.F.R. 41.37(c)(1)(v). Instead, Appellant's summary of the claimed subject matter only gives a beginning page number and states "continuing on for several pages." once for each independent claim. For example, Page 2 states, "The first independent claim refers to the specification beginning on page 12 beginning at line 15 and continuing on for several pages. This is insufficient as it does not map the claim language to the specification and does not give an endpoint to the citation by page and line number. Therefore, the Appeal Brief of 12/5/07 is still defective.

The Notice of Non-Compliant Appeal Brief of 11/5/07 set forth a time period for reply. That time period remains. Extensions of time are available. If the Appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all reasons for non-compliance stated in the notification, the appeal will stand dismissed. See 37 C.F.R. 41.37(d).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ed Swinehart/
Primary Examiner
Art Unit 3617